

July 7, 2003

ENERGY & ENVIRONMENT
COMMITTEE
REPORT NO. 10

ALL MEMBERS PRESENT EXCEPT LEGISLATOR DUSZA.

1. RESOLVED, that the following item is hereby received and filed.

- | | | | | |
|----|---|------|-------|----------------|
| | Item | Page | -2003 | (Comm. 13E-69) |
| a. | COUNTY EXECUTIVE: Semi- Annual Attendance Records – Board of Managers Erie County Sewer Districts.
(4-0) Legislator Dusza absent. | | | |

2. Item Page -2003 (Comm. 13E-20)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning (ECDEP) and the Erie County Soil and Water Conservation District (ECSWCD) both operate Geographic Information Systems (GIS); and

WHEREAS, both the ECDEP and the ECSWCD provide GIS services to local governments and agencies, and are in regular contact with local governments to discuss GIS issues; and

WHEREAS, to avoid duplication of services, it is most cost efficient for the ECDEP and ECSWCD to share a staff position for these GIS outreach programs,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with the ECSWCD for \$32,000 to fund 50% of a GIS staff position for GIS Outreach Services at the ECSWCD; and be it further

RESOLVED, that the term of such agreement shall be for a period of one year; and be it further

RESOLVED, that the source of funds shall be \$32,000 available in the Regionalism/Economic Development Fund (DAC 110 9043038301299) which shall be transferred to Account 830-185, Erie County Soil and Water Conservation, in the Budget of the Department of Environment and Planning; and be it further

RESOLVED, that the Clerk of the Legislature be directed to forward certified copies of this resolution to the Commissioner of the Department of Environment and Planning, the Director of the Division of Budget, Management and Finance, and the Director of the Erie County Soil and Water Conservation District (50 Commerce Way, East Aurora, NY 14052-2185).
(4-0) Legislator Dusza absent.

3. Item Page -2003 (Comm. 13E-32)

COUNTY EXECUTIVE

WHEREAS, The United States Environmental Protection Agency (USEPA) has determined that radon and other indoor air contaminants are significant threats to public health; and

WHEREAS, the United States Surgeon General has identified radon gas to be the second leading cause of lung cancer in the United States; and

WHEREAS, the USEPA has identified Erie County and Western New York as a Zone 1 Radon Potential Area (highest risk); and

WHEREAS, Erie County has successfully established and operated a Radon/Indoor Air Quality Awareness Program for over ten years and has acquired valuable experience and expertise; and

WHEREAS, the objective of this program is to reduce the health and safety risks associated with exposure to radon and other residential indoor air contaminants to the residents of Western New York; and

WHEREAS, the NYSDOH has provided funding for the Erie County Radon/Indoor Air Quality Program for over ten years; and

WHEREAS, Erie County received notice of award of \$110,000 in grant funding through the State Indoor Radon Grant Program (SIRG 11); and

WHEREAS, the SIRG 11 grant budget provides funding for personal services and fringe benefits for a Junior Environmental Education Specialist, JG-7; and

WHEREAS, the implementation of the SIRG 11 Program requires the availability and sale of low-cost radon testing kits to the residents of Erie County; and

NOW, THEREFORE BE IT

RESOLVED, that the County Executive is authorized to enter into the necessary agreements with the NYSDOH to accept a SIRG 11 grant of \$110,000 to continue the Erie County/Western New York Comprehensive Radon Risk Reduction Program; and be it further

RESOLVED, that the following position is hereby created in the Department of Environment and Planning to be funded from the Erie County/Western New York Comprehensive Radon Risk Reduction Program:

Junior Environmental Education Specialist (JG-7);

and be it further

RESOLVED, that all program revenues generated by the sale of radon testing kits shall periodically be re-appropriated to the Erie County radon program; and be it further

RESOLVED, that a SIRG 11 grant budget be established by the DEP as follows:

REVENUES:

593	State Aid – New York State Department of Health	\$110,000
506	Minor Sales – Radon Testing Kits	<u>1,000</u>
	TOTAL REVENUE	\$111,000

APPROPRIATIONS:

800	Personal Services	\$ 84,000
805	Fringe Benefits	26,000
814	Laboratory and Technical Supplies	<u>1,000</u>
	TOTAL	\$111,000

and be it further

RESOLVED, that certified copies of this resolution be sent to the Director of Budget, Management and Finance; Laurence K. Rubin, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; the Commissioner of Personnel; and the County Attorney.

(4-0) Legislator Dusza absent.

4. Item Page -2003 (Comm. 13E-36)

COUNTY EXECUTIVE

WHEREAS, The Town of Clarence, on behalf of the Town's Sewer District No. 9, has requested sanitary sewer service from Erie County Sewer District No. 5 (ECSD No. 5); and

WHEREAS, ECSD No. 5 has requested to tie its Sisters of Saint Joseph service area into Clarence Town District No. 9's facilities.

NOW, THEREFORE, BE IT

RESOLVED, that the proposed service agreement with Clarence Town Sewer District No. 9 and Erie County Sewer District No. 5 is hereby approved, and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute a service agreement subject to approval as to form by the County Attorney, between Erie County Sewer District No. 5 and the Clarence Town Sewer District No. 9, and be it further

RESOLVED, that the Clerk of the Legislature send a certified copy of the resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, and Gregory Dudek, Assistant County Attorney.

(4-0) Legislator Dusza absent.

5. Item Page -2003 (Comm. 13E-62)

COUNTY EXECUTIVE

WHEREAS, the Village of Blasdell has contracted for sanitary sewer service with the Erie County Southtowns Sewage Treatment Agency (Agency) and the County of Erie on behalf of Erie County Sewer District No. 3 (ECSD No. 3); and

WHEREAS, an amendment to the intermunicipal agreements is necessary to correct the dates on which the Agency and ECSD No. 3 will assume payments of the Village's sewer debt; and

WHEREAS, ECSD No. 3 is desirous of having a joint construction project with the Village of Blasdell to rebuild the Miller Avenue sewer when the Village reconstructs the road.

NOW, THEREFORE, BE IT

RESOLVED, that amended intermunicipal agreements between the County, on behalf of Erie County Sewer District No. 3, the Erie County Southtowns Sewage Treatment Agency and the Village of Blasdell for the purpose of correcting the sewer debt repayment dates and the rebuilding of the Miller Avenue sanitary sewer is hereby approved; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute said agreement subject to approval as to form by the County Attorney and as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Comptroller be authorized and directed to reimburse the Village of Blasdell an amount not to exceed \$120,000.00 from ECSD No. 3 Capital Account, Fund 430 Project 446 for the replacement of the Miller Avenue sanitary sewer subject to the approval and verification of the cost by the County's Division of Sewerage Management; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner of the Department of Environment and Planning; and one copy each to Nancy Naples, Erie County Comptroller; Gregory Dudek, Assistant County Attorney; Joseph Passafiume, Director of Budget, Management and Finance; and Ernest Jewett, Mayor, Village of Blasdell.
(4-0) Legislator Dusza absent.

6. Item Page -2003 (Comm. 13E-64)

COUNTY EXECUTIVE

WHEREAS, the County of Erie has awarded Contract No. 28 STP "D" Electrical to Tunney Electric, Inc.; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all engineering services have been completed; and

WHEREAS, the Erie County Division of Sewerage Management has recommended the final acceptance of Contract No. 28 STP "D" in the amount of \$38,264.00 which includes the Final Change Order, a decrease of \$8,000.00, and the processing of the retention payment in the amount of \$1,913.20.

NOW, THEREFORE, BE IT

RESOLVED, that Contract 28 STP "D" Electrical between the County of Erie/Erie County Sewer District No. 6 and Tunney Electric, Inc., 8565 Roll Road, Clarence Center, New York 14032 be accepted in the amount of \$38,264.00 which includes the Final Change Order, a decrease of \$8,000.00; and be it further,

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize the Contract No. 28 STP "D" Electrical between the County of Erie /Erie County Sewer District No. 6 and Tunney Electric, Inc. in the amount of \$38,264.00 and make final payment in the amount of \$1,913.20 from Erie County Sewer District No.6 Bond Account Fund No.430, Project 914, and return the unused portion of \$8,000.00 to Unallocated; and be it further

RESOLVED, that the Clerk of the Legislature send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning, and one (1) certified copy each to Nancy Naples, Erie County Comptroller, Gregory Dudek, Assistant County Attorney and John Rizzo, Deputy Comptroller.

(4-0) Legislator Dusza absent.

7. Item Page -2003 (Comm. 13E-65)

COUNTY EXECUTIVE

WHEREAS, the Town of Hamburg and Erie County Sewer District No. 3 have projects planned which call for the installation of sanitary sewer lines along Big Tree Road in the Town of Hamburg; and

WHEREAS, both the Town and the Sewer District desire to consolidate their construction projects along Big Tree Road to alleviate inconvenience to the public and reduce costs to the taxpayers.

NOW, THEREFORE, BE IT

RESOLVED, that an intermunicipal agreement between the County, on behalf of Erie County Sewer District No. 3, and the Town of Hamburg for the purpose of constructing a sanitary sewerline along Big Tree Road which will suit the needs of both municipalities, and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the agreement subject to approval as to form by the County Attorney, and content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Comptroller be authorized and directed to allocate a sum not to exceed \$50,000.00 from Sewer Capital Erie County Sewer District No. 3 Fund No. 430, Project No. 714; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of the Resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, and one (1) certified copy each to Nancy Naples, Erie County Comptroller, Gregory Dudek, Assistant County Attorney and Joseph Passafiume, Director of Budget and Management.

(4-0) Legislator Dusza absent.

8. Item Page -2003 (Comm. 13E-70)

COUNTY EXECUTIVE

WHEREAS, Erie County owns in excess of 1,600 acres of forestry lands in the Town of Sardinia; and

WHEREAS, Ardent Resources Incorporated, an oil and gas exploration company, has identified the Sardinia area as having high natural gas development potential; and

WHEREAS, Ardent Resources Incorporated has proposed its intent to drill for natural gas on private properties adjacent to the Erie County forestry lands with no effect on County lands; and

WHEREAS, Ardent Resources Incorporated has proposed entering into an agreement with Erie County to include the forestry lands in its land assemblage; and

WHEREAS, Ardent Resources Incorporated will be provided a three-year term to explore and prospect for natural gas, and in the event natural gas is discovered during this period, the agreement will allow Ardent Resources Incorporated the right to extract that gas through the economic life of the gas well(s) or twenty (20) years, whichever occurs first; and

WHEREAS, New York State law allows such mineral extraction to take place under a proportional method of royalty compensation to affected property owners; and

WHEREAS, Erie County has 1,600 acres that would be eligible for such royalty compensation over the life of the gas well,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with Ardent Resources Incorporated for a three-year exploration period, and be it further

RESOLVED, that should natural gas be discovered during this period, to allow for the extraction of the gas through the economic life of the gas well(s) or twenty (20) years, whichever occurs first, and be it further

RESOLVED, that the County is authorized to accept royalty payments under the proportional distribution methodology with other affected property owners, and such other benefits as may be negotiated, provided, however, that such agreement shall not allow for placement of wells on County property, and be it further

RESOLVED, that certified copies of this resolution be sent to the Director of Budget, Management and Finance; Laurence K. Rubin, Commissioner of Environment and Planning; Lawrence D. Jasinski, Commissioner of Parks and Recreation; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.
(4-0) Legislator Dusza absent.

DALE W. LARSON
CHAIRMAN